% 02.05.2007.

Present: Mr. Brijender Chahar, Sr. Advocate with Mr.Abhinav Jain and Ms.Jyoti Chahar for the petitioner.
Mr. Rajiv Dewan for Ms. Anju Bhattacharya, counsel for the respondents.

+ **WP(C) No. 3253/2007**
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We have heard learned counsel for the petitioner, who urged that the petitioner's witnesses during the enquiry, were wrongly disbelieved. He further urged that for minor lapses such as not having the name plate and having the shoe lace untied coupled with the charge of having abused and misbehaved with the superior officer, though the last allegation is denied by the petitioner, forfeiture of five years approved service was disproportionate to the alleged misconduct.

This is not a case of no evidence. The appreciation of evidence is not within the purview of this Court in writ jurisdiction. We find that the enquiry officer as well as the Appellate Authority have considered and examined the evidence and reached the conclusion that the defence sought to be raised by the petitioner was devoid of merit and the charges of misconduct in misbehaving with his senior officer were duly proved and that there was no tenable excuse for the same. Besides the punishment imposed cannot said to be highly disproportionate so as to shock the conscience of the Court considering the nature of allegations and the desirability of maintaining and enforcing discipline in the force.

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The petition is dismissed.

CM Nos. 6097-99/2007

In view of the dismissal of the writ petition, these applications have become infructuous.

Dismissed accordingly.

Mahmohan Sarin, J.

S.L. Bhayana, J.

May 02, 2007
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